IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 20850 of 1995

Between:

1. K. Hari Babu s/o Malakondaiah, age 33 yrs, M.P.E. School, Hedluru, S.N. Padu (M), Prakasam District,

2. U. Brahmaiah s/o Subbaiah, age 31 yrs, M.P.E. School,Mynampadu, S.N. Padu (M), Prakasam District,

3. R.Anjaiah s/o Subbaiah, age 34 yrs, M.P.U.P. School, Konganivaripalem, S.N. Padu (M), Prakasam District,

4. V.V. Krishna Rao s/o Jalaiah, age 30 yrs, M.P.E.School, Chevooru, Gudlur Mandal, Prakasam Dist.

..... PETITIONERS

AND

1. The Mandal Parishad Development Officer, Mandal Parishad S.N. Padu, Prakasam District,

2. The Mandal ParishadDevelopment Officer, Mandal Parishad Gudlur, PrakasamDistrict,

3. The Chief Executive Officer, Zilla Parishad, Ongole, Prakasam District,

4. The Director of School Education, Nampally, Hyderabad, A.P.

5. The State of A.P. represented by its Secretary to Government, Education Department, Secretariat, Hyderabad.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order, direction or a writ more particularly in the nature of writ of Mandamus calling for records impugned order No. R.C. No. 387/95-C, dated 31.8.1995 passed by the 1st and 2nd respondents and set aside the same as illegal and unconstitutional and consequently without jurisdiction.

For the Petitioner: DR.K.LAKSHMINARASIMHA, Advocate

For the Respondents.: MRS.K.JHANSI RANI (SC FOR ZPP & MPPS)

The Court made the following :

ORAL ORDER

This writ petition is filed by the petitioners seeking a direction in the nature of Writ of Mandamus to call for the records in impugned order No. R.C.No. 387/95-C, dated 31.08.1995 passed by the 1st and 2nd respondents and set aside the same as illegal and unconstitutional and consequently without jurisdiction.

Heard the learned counsel for both sides.

When the writ petition was admitted by this Court on 18.09.1995, on the same day, this Court directed the respondents to continue the petitioners in service. Subsequently, when the respondents moved this Court for vacation of the said interim order, dated 18.09.1995, this Court after hearing both the learned counsel, by detailed order vacated the said order dated 18.09.1995 in the following manner.

''It appears that the petitioners have challenged show cause notice dated 31.8.1995 in which they have been asked to show cause as to why their services should not be terminated as they have obtained jobs on the basis of certain bogus certificates. The show cause notice also says that the notice was issued as per the directions given by the Andhra Pradesh Administrative Tribunal. In my view, the interim order cannot be continued for the following reasons. Firstly the writ petition is not maintainable as it had been filed against the show cause notice; secondly, the show cause notice appears to have been issued on the directions of the A.P. Administrative Tribunal and thirdly, since the writ petitioners are Government servants, they should have agitated their grievance before the Tribunal and not before this Court. Therefore, I vacate the order of stay. However, in

> the interest of justice, it is directed that no further action shall be taken against the writ petitioners unless their replies to the show cause notice are received. Since the matter was pending before this Court, it is presumed that they might not have filed their replies. Therefore, before any action is taken by the respondents, the respondents shall give a fresh notice to the writ petitioners.''

In view of the observations made by this Court that the respondents shall give fresh notice to the writ petitioners before initiating any action and the petitioners are at liberty to offer their explanation, no further orders are needed to be passed in this writ petition.

This writ petition is accordingly dismissed. No costs.

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2nd September, 2004

vp

ASSISTANT REGISTRAR

///TRUE COPY././/

SECTION OFFICER

To

1. The Mandal Parishad Development Officer, Mandal Parishad S.N. Padu, Prakasham District,

2. The Mandal Parishad Development Officer, Mandal Parishad Gudlur, Prakasam District,

3. The Chief Executive Officer, Zilla Parishad, Ongole, Prakasam District,

4. The Director of School Education, Nampally, Hyderabad, A.P.

5. The Secretary to Government, Education Department, Secretariat, Hyderabad,

6. 2 C.D. copies,.